

CRIMINAL COMPLAINT

United States District Court

DISTRICT of ARIZONA

United States of America

v.

Jun Yang

DOB: 1979: Canadian Citizen

DOCKET NO.

MAGISTRATE'S CASE NO.

15-07055MJ

Complaint for violation of Title 18, U.S.C. § 545, 19 U.S.C 2606(a), 16 U.S.C. 3372(a)(2)(A) and 3373(d)(1)(B)

COMPLAINANT'S STATEMENT OF FACTS CONSTITUTING THE OFFENSE OR VIOLATION:

Count One

From on or about February 10, 2015 through on or about February 14, 2015, at Tucson, in the District of Arizona, Jun Yang did fraudulently and knowingly offer for sale and sell merchandise, namely one Psittacosaurus fossil and approximately 15 Hadrosaur fossil eggs, after the merchandises' importation into the United States, knowing said merchandise had been imported into the United States contrary to law; that is, on said dates Jun Yang knowingly sold said merchandise knowing that they are cultural property that had been imported into the United States from the People's Republic of China contrary to law, that is specially protected fossils are prohibited from being sold to any foreigner or foreign organization, all in violation of Title 19, United States Code Section 2606(a) and Title 18 United States Code Section 545.

Count Two

From a date unknown to on or about February 14, 2015, at Tucson, in the District of Arizona and elsewhere, Jun Yang did unlawfully and knowingly import in foreign commerce, transport, receive and acquire any wildlife, that is one Psittacosaurus fossil and approximately 15 Hadrosaur fossil eggs, knowing that said wildlife were taken, possessed, transported and sold in violation of the laws of the People's Republic of China, all in violation of Title 16, United States Code, Sections 3372(a)(2)(A) and 3373(d)(1)(B).

BASIS OF COMPLAINANT'S CHARGE AGAINST THE ACCUSED:

On or about February 10, 2015, in Tucson in the District of Arizona, agents of the Department of Homeland Security acting in an undercover capacity walked through the display area at the Globe-X Gem and Mineral Show at the Days Inn Hotel at 222 S. Freeway. In the Arctic Products Inc. area, agents saw a person wearing a lanyard around his neck with an exhibitor badge bearing Arctic Products Inc., and Jun Yang – President. This individual identified himself as Jun Yang. Agents spoke with Mr. Yang about an item displayed and advertised as a Psittacosaurus Fossil. Mr. Yang stated the fossil was 100 to 130 million years old and from the province Henan and was "dug up" in central China approximately 200-300 kilometers south of Mongolia. Mr. Yang stated the price of the Psittacosaurus Fossil was \$15,000.00 (United States Currency) and was not negotiable because of the quality of the fossil. Agents heard Mr. Yang speak with another customer regarding egg fossils adjacent to the Psittacosaurus fossil. Mr. Yang identified the eggs as Chinese dinosaur egg fossils and told the agents they were Hadrosaur Eggs, a "duck billed" dinosaur in China. A sign on the dinosaur egg fossils display box stated "\$ 450.00" for each egg.

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MATERIAL WITNESS(ES) IN RELATION TO THE CHARGE:

DETENTION REQUESTED

COMPLAINT REVIEWED by AUSA Sandra M. Hansen

SMH

Being duly sworn, I declare that the foregoing is true and correct to the best of my knowledge.

SIGNATURE OF COMPLAINANT

OFFICIAL TITLE & NAME:
Special Agent Mike Alperstein

Sworn to before me and subscribed in my presence.

SIGNATURE OF MAGISTRATE JUDGE¹⁾*Jacqueline M. Rateau*

DATE

February 17, 2015

¹⁾ See Federal rules of Criminal Procedure Rules 3 and 4

On or about February 10, 2015, agents posing as shoppers later returned to the Arctic Products, Inc. display area and again spoke with Mr. Yang about the Psittacosaurus fossil and asked if he would speak to the buyer with whom they were working. Mr. Yang agreed. During the conversation, Mr. Yang stated that he illegally removed the fossils from China, put the fossils in containers with stone carvings, shipped them to the United States and didn't disclose that fossils were in the containers to US Customs and Border Protection, only paying tax on the stone carvings.

When asked, Mr. Yang said that the exportation of the Psittacosaurus fossil and the Hadrosaur Eggs were in violation of Chinese law. Mr. Yang stated this was only a violation of the laws of China, not US. Mr. Yang stated he has no documents for any of the fossils. Agents asked for permission to photograph the fossils, and Mr. Yang agreed.

The pictures were later sent to a Subject Matter Expert (SME) who, based on the photographs taken by the agents confirmed the fossils are a Psittacosaurus fossil and Hadrosaur Eggs and were indigenous to certain regions of China. The SME stated that these fossils are of high scientific value. A review of the law of the Peoples Republic of China prohibits the sale of specially protected fossils to foreigners or foreign organizations.

On or about February 14, 2015 an agent acting in an undercover (UC) capacity entered the Arctic Products Inc. display area posing as a shopper. The UC agent started the conversation with Mr. Yang about the Hadrosaur Eggs that were on display and inquired as to how many they would be able to purchase for five-thousand dollars (USD-\$5000.00). Mr. Yang stated that the Hadrosaur Eggs are from China, that they were very rare and that he used to have a lot, but may not be able to get them anymore. Mr. Yang stated that he already sold one (1) Hadrosaur Egg for four hundred fifty (USD-\$450.00) but stated he would sell thirteen (13) Hadrosaur Eggs at a discounted rate for five-thousand dollars (USD-\$5000.00) to the UC agent.

The UC agent then inquired about the Psittacosaurus fossil. Mr. Yang escorted the UC agent inside Room 102, adjacent to the display area to let the agent see the Psittacosaurus fossil. Mr. Yang explained to the UC agent that the Psittacosaurus fossil was approximately 130-100 millions years old and it was for sale for fifteen thousand dollars (USD-\$15,000). Mr. Yang stated that all the stuff was from China. Mr. Yang stated that he has had the Psittacosaurus fossil for a few years and that it was from the North-Eastern part of China. When asked how he got the fossils out of China, Mr. Yang stated the fossils are put in containers with the stone carvings and "we do not declare, we declare it as stone."